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08/407,064	03/20/1995	RONALD A. KATZ	6046-101NA	7829

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 39

Application Number: 08/407,064

Filing Date: March 20, 1995

Appellant(s): Ronald A. Katz

B. G. Nilsson
For Appellant

EXAMINER'S ANSWER

MAILED
APR 9 2002
Technology Center 2600

This is in response to appellant's brief on appeal filed January 4, 2002.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

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A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is deficient because it does not correspond with the summary of invention contained in the specification. The summary should read as recited in the specification on page 3, line 7 through page 5, line 32.

(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

A. Whether claims 34-39, 46-47, 49, 52, 54-78, 80-89, 93-104, 106-110, 114-115 are unpatentable under 35 U.S.C 103(a) over the publication entitled "Vision by telephone" in view of Yamaguchi (USPN 5,264,949), and further in view of Laycock (USPN 5,202,759).

B. Whether claims 40-45 are unpatentable under 35 U.S.C 103(a) over the publication entitled "Vision by telephone" in view of Laycock, and further in view of Thompson (USPN 5,109,399).

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C. Whether claims 48, 51, 90-92, 111-113 are unpatentable under 35 U.S.C. 103(a) over the publication entitled "Vision by telephone" in view of Yamaguchi and Laycock, and further in view of Thompson.

D. Whether claims 53, 79, 105 are unpatentable under 35 U.S.C. 103(a) over the publication entitled "Vision by telephone" in view of Yamaguchi and Laycock, and further in view of Fuller et al. (USPN 4,843,377, hereinafter "Fuller").

(7) *Grouping of Claims*

The rejection of claims 34-39, 46-49, 51-115 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

The rejection of claims 40-45 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

Wright, P. "Vision by telephone." Computer Systems, No. 1 (January 1986).

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5,264,929	Yamaguchi	11-1993
5,202,759	Laycock	4-1993
5,109,399	Thompson	4-1992
4,843,377	Fuller et al.	6-1989

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

A. Claims 34-39, 46-47, 49, 52, 54-78, 80-89, 93-104, 106-110, 114-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication entitled "Vision by telephone" in view of Yamaguchi (USPN 5,264,929), and further in view of Laycock (USPN 5,202,759).

The "Vision" publication discloses a system for monitoring a plurality of scrutiny locations from a central station using dial-up telephone facilities in which images from each scrutiny location are sequentially received and displayed along with graphic display data identifying the picture displayed (page 2). When an alarm sensor at a scrutiny location is triggered, the associated camera takes four snap-shots which are stored and transmitted to the called central

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station for priority display such that the usual surveillance sequence is interrupted (page 2, column 1, paragraph 4). Two-way audio communication can take place via telephones at each remote site and the central station (see figures on pages 2-3).

The "Vision" publication differs from claims 34-39, 46-49, 52, 54-78, 80-89, 93-104, 106-110, 114-115 in that it does not explicitly provide for the autodialing operation being actuated under control of a programmed computer. However, as shown by Yamaguchi, it is well known in a video surveillance system to use a computer programmed with timing data (CPU 1, RAM 7b and timer device 8 perform timer-activated operations; col. 11, line 54 - col. 12, line 39) to control video sequencing operations (col. 8, lines 25-41), including temporary interruption of the programmed sequence when an alarm signal is detected (col. 18, lines 40-64). It would have been obvious to an artisan of ordinary skill to incorporate such timer-activated computer control, as taught to be desirable by Yamaguchi, within the video surveillance system of the "Vision" publication in order to automate monitoring operations according to time setting conditions.

The "Vision" publication further differs from the claims in that the cameras provide slow-scan video rather than dynamic image television signals. However, Laycock teaches the transmission of dynamic video images over dial-up telephone line in a video surveillance system such that dynamic video, rather than slow-scan, can be provided over the a telephone line which is of limited bandwidth (Figure 4; col. 2, line 65 - col. 3, line 13). It would have been obvious to an artisan of ordinary skill to incorporate such provision of dynamic video images, as taught by

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Laycock, as an improvement over the slow-scan video generation of the "Vision by telephone" publication so that a more complete video image of the monitored location can be displayed.

Regarding claims 84-86, Laycock teaches the desirability of remotely controlling a surveillance camera (pan, tilt, zoom, focus, Figure 2; col. 2, lines 58-61; col. 6, lines 10-18) from a control station such that it would have been obvious to an artisan of ordinary skill to incorporate such remote camera control within the combination in order to allow user control over remote camera so that a desired image can be viewed. In this way, abnormal activity can be more completely monitored.

B. Claims 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Vision by telephone" publication in view of Laycock (USPN 5,202,759), and further in view of Thompson (USPN 5,109,399).

The "Vision" publication discloses a system for monitoring a plurality of scrutiny locations from a central station using dial-up telephone facilities in which images from each scrutiny location are sequentially received and displayed along with graphic display data identifying the picture displayed (page 2). When an alarm sensor at a scrutiny location is triggered, the associated camera takes four snap-shots which are stored and transmitted to the called central station for priority display such that the usual surveillance sequence is interrupted (page 2, column 1, paragraph 4). Two-way audio communication can take place via telephones at each remote site and the central station (see figures on pages 2-3).

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The "Vision" publication differs from claims 40-45 in that the cameras provide slow-scan video rather than dynamic image television signals. However, Laycock teaches the transmission of dynamic video images over dial-up telephone line in a video surveillance system such that dynamic video, rather than slow-scan, can be provided over the a telephone line which is of limited bandwidth (Figure 4; col. 2, line 65 - col. 3, line 13). It would have been obvious to an artisan of ordinary skill to incorporate such provision of dynamic video images, as taught by Laycock, as an improvement over the slow-scan video generation of the "Vision by telephone" publication so that a more complete video image of the monitored location can be displayed.

The "Vision" publication further differs from claims 40-45 in that it does not provide for storing display data on scrutiny locations with means for addressing the memory means based on "D" channel type signals. However, Thompson teaches the storage of display data (map, address, name, etc.) corresponding to different scrutiny locations and addressing the data based on "D" channel type signals in the manner disclosed in the specification (see page 19, lines 21-30), specifically ANI information (col. 3, lines 1-53), for the purpose of providing more detailed information with regard to an emergency call. It would have been obvious to incorporate such storage and addressing means, as taught by Thompson, within the system described in the "Vision" publication in order to provide a central monitoring station with more detailed information of a calling scrutiny location in need of emergency help.

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C. Claims 48, 51, 90-92, 111-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Vision by telephone" publication in view of Yamaguchi and Laycock, as applied to claims 46, 77, 103, and further in view of Thompson.

The combination of the "Vision" publication, Yamaguchi and Laycock differs from claims 48, 51, 90-92, 111-113 in that it does not provide for storing display data on scrutiny locations with means for addressing the memory means based on "D" channel type signals. However, Thompson teaches the storage of display data (map, address, name, etc.) corresponding to different scrutiny locations and addressing the data based on "D" channel type signals in the manner disclosed in the specification (see page 19, lines 21-30), specifically ANI information (col. 3, lines 1-53), for the purpose of providing more detailed information with regard to an emergency call. It would have been obvious to incorporate such storage and addressing means, as taught by Thompson, within the combination in order to provide a central monitoring station with more detailed information of a calling scrutiny location in need of emergency help.

D. Claims 53, 79, 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Vision by telephone" publication in view of Yamaguchi and Laycock, as applied to claims 46, 77, 103, and further in view of Fuller et al. (USPN 4,843,377, hereinafter "Fuller").

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The combination of the "Vision" publication, Yamaguchi and Laycock differs from claims 53, 79, 105 in that it does not specify the selection of sites as being random. However, Fuller teaches the desirability of selecting the video monitoring of remote sites in a random *or* predetermined fashion (col. 12, lines 11-15) such that it would have been obvious to an artisan of ordinary skill to incorporate such random selection, as taught by Fuller, within the video monitoring system combination as an alternative to monitoring in a predetermined order.

(II) *Response to Argument*

Appellant argues that the "Vision" article does not describe the limitation "to provide a sequence of remote location displays at the control station." The examiner disagrees. In the "Vision" article, the central base station monitors a plurality of remote sites, for example, 60 separate remote sites (see first page, third column, first two paragraphs), by sequentially auto-dialling each of the 60 locations and displaying images captured by each camera for each remote site (see second page, first column, first two paragraphs beginning at "Security applications"). Clearly, images from the plurality of remote locations are displayed in sequence in the surveillance mode since the plurality of remote locations are sequentially called via the central base station 60-way surveillance auto-dialler (note base station surveillance auto-dialler depicted in the figure on the third page).

Appellant argues that "any combination placing the 'Yamaguchi' switch at a central station is not only unobvious and not suggested, it would be completely impractical." The examiner disagrees. Yamaguchi was relied upon to show the advantage of using computer

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timing control when monitoring a plurality of sites rather than requiring an operator at the monitoring site to manually activate monitoring operations (see col. 12, lines 1-39). The examiner did not suggest placing the “Yamaguchi” switch within the central station of the “Vision” system. The “Vision” system is a microprocessor-based system which automatically dials a plurality of remote sites (page 1, second column, second paragraph) but differs from the invention in that the actuation of the autodialing operation is initiated by a human operator rather than under computer timing control. It is well established that to make an operation automatic is an obvious improvement (In re Venner, 120 USPQ 192 (CCPA 1958)) and Yamaguchi clearly teaches the benefit of a video surveillance system under computer programmed timer control for the purpose of automating video monitoring operations according to time setting conditions rather than manual activation.

Regarding the rejection of claims 40-45, Appellant argues that the prior art of record do not teach “indicating alert situations particularly by the simple expedient use of the ‘D’ channel.” However, the claims specifically recite “providing ‘D’ channel type signals to manifest said various alert situations; and a control computer activated by said ‘D’ channel type signals and including memory structure addressable to supply location graphic data, including an alert situation indication...” (independent claim 40). The claim is broad enough to be met by the combination of the “Vision by telephone” publication, Laycock, and Thompson. As described above in the claim rejection, Thompson teaches the use of “D” channel type signals (ANI data) for retrieving detailed emergency location information regarding an alert situation

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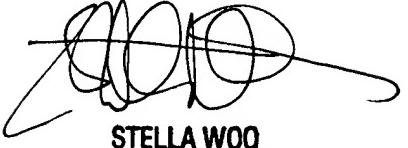
and displaying such emergency location information on a graphic display, thus, indicating an alert situation in a more comprehensive fashion (col. 3, line 6 - col. 4, line 68).

Regarding the rejection of claims 53, 79, 105, Appellant argues that the "difference in field and the specified claim elements clearly distinguish." The claims are directed to a "system for communicating with a plurality of remote locations from a central station utilizing dial-up telephone facilities" in which the computer controlled selection of communication with a plurality of remote locations is random, basically, a video monitoring system over telephone lines. Fuller discloses a monitoring system in which a central office (12) selectively communicates with a plurality of remote locations (remote confinement locations 14) over telephone lines (18) (col. 8, lines 37-41) to receive video images from the remote locations (via picture telephones 20, 40). The Fuller system is clearly from the same field of endeavor.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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